

EXPLANATION OF COMMISSION DETERMINATIONS ON ADEQUACY

in

*Brass Sheet & Strip from Brazil, Canada, France, Germany,
Italy, Japan, Korea, the Netherlands, and Sweden,*
Inv. Nos. 701-TA-269-270 (Review) and 731-TA-311-317 and 379-380 (Review)

On May 6, 1999, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Tariff Act of 1930, as amended (19 U.S.C. § 1675(c)(5)).¹ The Commission, in consultation with the Department of Commerce, grouped these reviews because they involve similar domestic like products.²

Brass Sheet and Strip from Canada and the Netherlands, Inv. Nos. 731-TA-312 and 380 (Review)

With respect to the reviews concerning brass sheet and strip from Canada and the Netherlands, the Commission determined that both the domestic and respondent interested party group responses to its notice of institution were adequate and voted to conduct full reviews. Regarding domestic interested parties, the Commission received a consolidated response from domestic producers and worker groups that collectively account for virtually all U.S. domestic production of the domestic like product. This response included company specific data concerning each of the domestic producers.

Regarding respondent interested parties, in the review concerning Canada the Commission received a response from a Canadian producer and exporter that accounts for nearly all foreign production and U.S. imports of subject merchandise from Canada. In the review concerning the Netherlands, the Commission received a response from the sole Dutch producer and exporter of the subject merchandise.

Brass Sheet and Strip from Brazil, France, Germany, Italy, Japan, Korea, and Sweden, Inv. Nos. 701-TA-269-270 (Review) and 731-TA-311, 313-317, and 379 (Review)

With respect to the reviews concerning brass sheet and strip from Brazil, France, Germany, Italy, Japan, Korea, and Sweden, the Commission determined that the domestic interested party group response was adequate for the same reasons as in the reviews concerning Canada and the Netherlands. Because no respondent interested party responded to the notice of institution, the Commission determined that the

¹ Commissioner Crawford dissenting in part.

² See 19 U.S.C. § 1675(c)(5)(D); 63 Fed. Reg. 29372, 29374 (May 29, 1998).

respondent interested party group response for each of these reviews was inadequate.^{3 4} The Commission further determined to conduct full reviews to promote administrative efficiency in light of the Commission's decision to conduct full reviews concerning Canada and the Netherlands.⁵ Commissioner Crawford dissented from the Commission's decision to conduct full reviews of the subject merchandise from Brazil, France, Germany, Italy, Japan, Korea, and Sweden, and determined that expedited reviews of the orders covering those countries should be conducted.

A record of the Commissioners' votes is available from the Office of the Secretary and at the Commission's web site.

³ Outokumpu Copper Strip A.B. ("OAB") filed a substantive response to the notice of institution. OAB (then known as Metallverken A.B.) was a producer and exporter of the subject merchandise from Sweden at the time of the original investigation, but it indicated in its response to the notice of institution that it no longer manufactures, produces, or exports the subject merchandise, has dismantled its machinery for producing the subject merchandise, and has no intention of manufacturing the merchandise in the future. *See* OAB Response at 2-3 and Tabs A & B. In light of the foregoing, OAB is not, and has no intention of becoming in the future, "a foreign manufacturer, producer, or exporter ... of subject merchandise," and, hence, it is not an interested party pursuant to Section 771(9)(A) of the Tariff Act of 1930, as amended (19 U.S.C. § 1677(9)(A)).

⁴ Commissioner Askey found the response submitted by Outokumpu Copper Strip AB of Sweden to be adequate, and accordingly also found that the respondent interested party group response for the Swedish review was adequate. The company was a party to the original proceeding and, while no longer producing subject merchandise, remains subject to an outstanding antidumping order. Commissioner Askey sees no indication that the statutory definition of "interested party," 19 U.S.C. § 1677(9)(A), was intended to exclude former producers that continue to be subject to antidumping orders.

⁵ *See* 63 Fed. Reg. 30599, 30604 (June 5, 1998).